

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Amy J. St. Eve	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 118	DATE	1/22/2008
CASE TITLE	Tolbert vs. Cline, et al		

DOCKET ENTRY TEXT

Plaintiff's motion for leave to file *in forma pauperis* (R. 3-1) is denied pursuant to 28 U.S.C. § 1915(g) and the action is summarily dismissed for failure of plaintiff to advise the court that more than three of his previous cases have been dismissed on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted. Having brought this action, plaintiff nevertheless remains obligated to pay the full filing fee of \$350. Before pursuing any future litigation, plaintiff must pay any outstanding fees. The clerk is directed to send a copy of this order to the trust fund officer at Cook County Jail.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Plaintiff George Tolbert, an inmate at Cook County Jail, has brought this *pro se* action and seeks leave to proceed *in forma pauperis*. The motion must be denied because plaintiff has accumulated at least three "strikes."

The Prison Litigation Reform Act of 1995 (PLRA), enacted on April 26, 1996, provides that a prisoner may not bring a civil action or appeal a civil judgment under 28 U.S.C. § 1915 "if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

At least three of plaintiff's previous actions have been dismissed on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted. *See, e.g., Tolbert v. Area 3 Mission Team, et al.*, No. 99 C 2297 (N.D. Ill. Jun. 25, 1999) (Leinenweber, J.); *Tolbert v. Sheahan, et al.*, No. 95 C 6396 (N.D. Ill. Jan. 29, 1997) (Holderman J.); and *Tolbert v. Western Ill. C.C., et al.*, No. 95 C 4132 (N.D. Ill. Jul. 28, 1995) (Holderman, J.). Moreover, plaintiff has been repeatedly advised that he has "struck out." *See Tolbert v. Brown*, Case No. 03 C 0526 (N.D. Ill.), Minute Order of January 27, 2003 (Coar, J.); *Tolbert v. Fry*, Case No. 00 C 3448 (N.D. Ill.), Minute Order of June 12, 2000 (Moran, J.). Plaintiff has sought leave to proceed *in forma pauperis* without disclosing his 1915(g) status to the court. Consequently, plaintiff's effective "fraud" on the court must "lead to immediate termination of the suit." *Sloan v. Lesza*, 181 F.3d 857, 859 (7th Cir. 1999). The Court accordingly dismisses this action with prejudice.

Having brought this action, however, plaintiff remains obligated to pay the full filing fee of \$350. *See* 28 U.S.C. §1915(b)(1); *Sloan*, 181 F.3d at 859. Before pursuing any future litigation, plaintiff must pay any outstanding fees. *Id.*

Courtroom Deputy
Initials:

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